

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
NADINE J. GRIFFIN,)
)
Defendant.)
_____)

FILED
IN CLERKS OFFICE

Case No. 05-CR-10175-WGY 2007 AUG 17 A 10:40
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
**APPLICATION FOR ADMISSION *PRO HAC VICE* AND MOTION FOR
RELIEF FROM THE REQUIREMENTS
OF LOCAL RULE 83.5.3 THAT LOCAL
COUNSEL BE RETAINED**

Robert E. Barnes ("Barnes"), appellate counsel for the defendant, Nadine J. Griffin ("Griffin"), hereby applies for admission *pro hac vice*. Furthermore, Griffin, through her appellate counsel, Barnes, hereby moves for relief from the requirements of local rule 83.5.3 that local counsel be retained. Barnes' application and Griffin's motion are based on the facts and argument set out below.

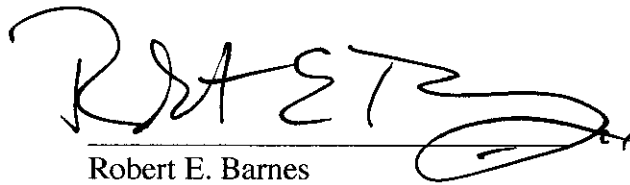
On August 13, 2007, Barnes' paralegal, while preparing the jurisdictional statement for the appeal's Opening Brief, accessed the PACER docket related to this case to confirm dates and record citations of the docket entries relevant to appellate jurisdiction. At that time, Barnes' paralegal discovered that a significant and relevant paper had been filed on June 6, 2007 which articulated the District Court's reasoning behind Griffin's re-sentencing. Neither Barnes nor Griffin were advised by Griffin's former counsel that this paper was filed. Furthermore, the Government failed to move to supplement the record notwithstanding the fact that this paper was absolutely relevant to the Government's appeal. Therefore, Barnes seeks to enter his appearance such that he can move to supplement the appellate record on Griffin's behalf. An appearance form and motion to supplement the record are filed simultaneously with this Application and Motion.

Regarding Griffin's motion to be relieved from the requirements of local counsel, Griffin asserts that the cost of retaining local counsel for such a simple motion far outweighs any public policy benefit gained by requiring local counsel to make an appearance for such a simple motion.

Regarding Barnes' qualifications, as evidenced by Barnes' declaration attached hereto, Barnes is a member in good standing of the highest courts of Tennessee, Wisconsin and California as well as several federal district and circuit courts; no disciplinary proceedings are pending against Barnes in any jurisdiction; and, Barnes is familiar with the Local Rules of the United States District Court for the District of Massachusetts.

For all of the foregoing reasons, Barnes' application for *pro hac vice* admission and Griffin's motion for relief from the local counsel requirement found in Local Rule 83.5.3 should be granted.

Respectfully , on this the 14th day of August, 2007.

A handwritten signature in black ink, appearing to read 'R. E. Barnes', with a stylized flourish at the end.

Robert E. Barnes
Appellate Counsel for Nadine J. Griffin

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**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)	
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Plaintiff,)	Case No. <u>05-CR-10175-WGY</u>
)	
v.)	
)	
NADINE J. GRIFFIN,)	DECLARATION OF ROBERT E.
)	BARNES
Defendant.)	
)	

I, Robert E. Barnes, hereby declare that:

1. I am employed by The Bernhoft Law Firm, the law firm representing Nadine J. Griffin in her appeal and I execute this Declaration in support of my "Application for Admission *Pro Hac Vice*."

2. Except where explicitly noted to the contrary, I have personal knowledge of the facts set forth in this Declaration and, if called upon to testify to said facts, could do so competently.

3. I am a member in good standing in the following state courts of last resort, federal district courts and federal circuit courts:

- a. Wisconsin Supreme Court;
- b. Tennessee Supreme Court;
- c. U.S. Dist. Court for the Eastern Dist. of Wisconsin;
- d. Ninth Circuit Court of Appeals;
- e. U.S. Tax Court;
- f. Fifth Circuit Court of Appeals;
- g. Tenth Circuit Court of Appeals;
- h. California Supreme Court;

- i. U.S. Dist. Court for the Central Dist. of California;
- j. U.S. Dist. Court for the Northern Dist. of California;
- k. First Circuit Court of Appeals.

4. No disciplinary proceeding has been initiated against me in any of the courts or jurisdictions listed in ¶ 3.

5. I am familiar with the Local Rules for the U.S. Dist. Court for the Dist. of Massachusetts .

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Dated: August 14, 2007

A handwritten signature in black ink, appearing to read "RE Barnes", with a large, stylized flourish extending from the end of the signature.

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UNITED STATES OF AMERICA,)

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2007 AUG 17 A 10:41
Case No. 05-CR-10175-WGY
U.S. DISTRICT COURT
DISTRICT OF MASS.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing documents were sent to the following parties and counsel via U.S. Mail first-class postage prepaid, to the following addresses:

Christopher Maietta
U.S. Dept. of Justice
Tax Division
601 D Street, NW, Room 7012
Washington, D.C. 20004

Alan S. Richey
P.O. Box 1505
Port Hadlock, WA 98339

Dated: August 14, 2007



Daniel Treuden